

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

XAVIER JOHNSON,

Plaintiff,

vs.

BIG 10 TIRES,

Defendant.

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CASE NO.: 2:05cv704-M

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56, F.R.C.P., Defendant Big 10 moves for summary judgment on all claims on the grounds that there is no material issue of disputed fact and that it is entitled to judgment as a matter of law on all claims asserted by Plaintiff.

WHEREFORE, Defendant Big 10 moves the Court to enter final judgment in favor of Big 10 dismiss all claims and awarding Big 10 its costs and attorney's fees.

/s/ William C. Tidwell
WILLIAM C. TIDWELL, III
Attorney for Defendant
Big 10 Tires, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of June, 2006, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system which will send notifications of such filing to the following:

COUNSEL OF RECORD:

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/s/ William C. Tidwell